



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/576,894

04/24/2006

Bruce L. Elliott

14726N/060792

9033

32885 7590 11/14/2008

STITES & HARBISON PLLC
401 COMMERCE STREET
SUITE 800
NASHVILLE, TN 37219

EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

11/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,894	Applicant(s) ELLIOTT, BRUCE L.	
	Examiner Jeff H. Aftergut	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 6-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgess (US 2003/0051795) for the same reasons as identified in paragraph 2 of the Office action dated April 4, 2008.

At paragraph [0035]-[0036] as well as Figure 3B, it is clear that Burgess taught that one skilled in the art would have employed either a dry filament which was subjected to impregnation after winding or a preimpregnated filament which was already coated with resin and not subjected to impregnation after winding (as was the dry filament).

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of Philpot et al for the same reasons as expressed in paragraph 4 of the Office action dated 4-4-08.
5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 4 further taken with Hamilton for the same reasons as expressed in paragraph 5 of the Office action dated 4-4-08.

Art Unit: 1791

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of either one of Drachenberg or Brussee for the same reasons as expressed in paragraph 6 of the Office action dated 4-4-08.
7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of either one of Baker et al or Smith for the same reasons as expressed in paragraph 7 of the Office action dated 4-4-08.
8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of either one of McClean or Farris for the same reasons as expressed in paragraph 8 of the Office action dated 4-4-08.
9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of McLain for the same reasons as expressed in paragraph 9 of the Office action dated 4-4-08.
10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess in view of Japanese Patent 55-128431 for the same reasons as expressed in paragraph 10 of the Office action dated 4-4-08.

Response to Arguments

11. Applicant's arguments filed 10-6-08 have been fully considered but they are not persuasive.

Regarding Burgess, the applicant argues that the reference taught the winding of dry filaments upon a mandrel and not the winding of "resin impregnated filament" upon a mandrel. However, as noted above, the reference to Burgess taught that one skilled in the art would have employed either a dry unimpregnated fiber and followed the winding

Art Unit: 1791

operation with an impregnating step **or** one would have wound a resin impregnated filament upon the mandrel (and skipped the impregnation of the fiber after the winding operation). While the reference did suggest that the winding operation was usefully employed on a dry fiber material, it also plainly expressed that those skilled in the art would have performed the operation upon a resin preimpregnated fiber material (a fiber material which has been impregnated with resin prior to the winding operation). This is discussed in the reference to Burgess at paragraphs [0035]-[0036] and in Figure 3B.

The applicant argues that there are significant differences between winding resin impregnated filaments and winding dry filamentary material upon an elongated mandrel. While there may be differences in the necessary processing, the manner of retaining either the dry filaments or the impregnated filaments upon an elongated mandrel with an additional winding filament was clearly known to those skilled in the art as evidenced by Burgess. The use of such retaining windings whether the filaments are impregnated with resin or dry was clearly known to have been useful in light of the teachings of the reference. The applicant essentially argues regarding the rejections under 35 USC 103(a) that the additionally applied references either do not cure the deficiency of Burgess by not teaching the use of resin impregnated filaments or that while they teach resin impregnated filaments wound upon an elongated mandrel they do not teach maintaining the placement of the resin impregnated filaments upon the mandrel with an additional winding. Because there is no deficiency in Burgess as discussed above, these arguments have not been found to be persuasive. Additionally, the applicant did not address any specific teaching in the secondary references applied (other than to

Art Unit: 1791

state that they either taught dry winding or that they didn't teach the retaining thread used in the claimed winding process). These references were not applied for these specific purposes and/or teachings as presented in the Office action dated 4-4-08. Since the applicant did not specifically address the teachings for which they were applied, it is believed applicant is in agreement with the teachings of these references for which they were applied.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:30-4:00 pm.

Art Unit: 1791

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff H. Aftergut/
Primary Examiner
Art Unit 1791

JHA
November 11, 2008